IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.812 OF 2002

Smt Kalawati Laxman Bhujbal & Ors. ...Appellants

Versus

Shri Vitthal Laxam Bhujbal & Ors. ...Respondents

Shri A.M.Joshi for the Appellants.
Shri Vilas B. Tapkir for the Respondents.

CORAM : ABHAY S.OKA, J.
DATED : APRIL 12, 2007.

P.C.:

1. Appeal is taken up for final hearing. Heard learned Advocate appearing for the Appellants. The Appellants are the original Plaintiffs. The Appellants filed a suit for declaration that the properties more properly described in paragraph No.1 of the plaint are exclusively inherited by them and the Respondents have no right in respect of the said property. Prayer was made for perpetual injunction and in the alternative for a decree for possession in respect of part of the suit properties. There are other prayers made in the alternative in the plaint.

2. An application for temporary injunction at Exhibit 5 was filed by the Appellants. By order dated 20th April, 2002, the learned trial Judge allowed the Application for temporary injunction. On the same day the learned trial Judge passed a separate order by which application for appointment of court receiver was

rejected.

3. After having heard the learned Advocate for the Appellants, I find that no case is made out for appointment of receiver as of today. The Appellants are sufficiently protected by the order of temporary injunction. The learned trial Judge has considered all the relevant factors which are required to be considered for the purposes of appointment of the court receiver. As the suit property was otherwise protected by the interim order passed on the same date, the learned trial Judge declined to grant appointment of court receiver.

4. I find no error in the impugned order. Considering the nature of the suit and considering the fact that suit is of the year 2001, the same deserves to be disposed of expeditiously.

5. Hence, I pass the following order:

(i) Appeal is dismissed with no orders as to costs.

(ii) The trial Court will dispose of the suit expeditiously and in any event on or before 31st December, 2007.

(iii) All contentions of the parties are expressly kept open.

JUDGE